

525 Rec'd PCT/PTO 08 DEC 2000

#3

PATENT

Attorney Docket No. 39573.830003.004

Express Mail No. EL379003083US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

ALLAIRE, et al.

Serial No. 09/673922

International No. PCT/US/08870

Priority Date 22 April 98

For: HYBRID MAGNETICALLY
SUSPENDED AND ROTATED
CENTRIFUGAL PUMPING
APPARATUS AND METHOD

Examiner:

Art Unit:

20 DEC 2000

CERTIFICATE OF MAILING BY EXPRESS MAIL

Box PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

The undersigned hereby certifies that the enclosed:

1. Petition Under 37 C.F.R. § 1.183 For Waiver of Assignee Consent;
2. Petition Under 37 C.F.R. § 1.183 For Waiver of a New Oath;
3. Petition Under 37 C.F.R. § 1.48(a);
4. Response to Notice to File Missing Parts;
5. Checks in the amount of \$65.00, and three for \$130.00;
6. Certificate of Mailing by Express Mail; and
7. Return Card

relating to the above application, were deposited as "Express Mail," Mailing Label No. EL379003083US with the United States Postal Service, addressed to Assistant Commissioner of Patents, Washington, D.C. 20231, on December 8, 2000.

December 8, 2000

Mailer

December 8, 2000

Brian P. Kinnear, Reg. No. 43,717
HOLLAND & HART LLP
555 17th Street, Suite 3200
P.O. Box 8749
Denver, Colorado 80201-8749
Telephone: (303) 295-8170
Facsimile: (303) 295-8261

12/13/2000 ERIMANDO 00000044 09673922

01 FC:254

65.00 0P

2741512_1.DOC



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

RECEIVED
NOV 27 2000
HOLLAND & HART LLP

| | | |
|----------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/673922 | ALLAIRE ETAL | 39573.830003 |

PATRICK MCBRIDE
HOLLAND & HART
SUITE 3200
555 SEVENTEENTH STREET
DENVER, CO 80201 3979

| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/US99/08870 | |
| I.A. FILING DATE | PRIORITY DATE |
| 22 APR 99 | 22 APR 98 |
| DATE MAILED: 08 NOV 2000 | |

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.
☒ English.

☐ Translation of the international application into English.

☒ Oath or Declaration of inventors(s) for DO/EO/US. *DEFECTIVE*

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____

☐ Information Disclosure Statement(s) filed _____ and _____

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____

☐ Verified Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☒ Other: *YOU HAVE MULTI CLAIMS, ALSO YOU HAVE 5 INDIAN CLAIMS*

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. *ALL INVENTOR NOT LISTED*

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Vonda M. McIlhenny

Telephone: 703-305-3736

Docketed

Date

12-4-00

MC

12-8-00

PTO/PCT Rec'd 08 DEC 2000

#3

PATENT

Attorney Docket No. 39573.830003.0004

Express Mail No. EL379003083US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------|---|-----------------|
| In re application of |) | |
| ALLAIRE et al. |) | |
| |) | |
| |) | Group Art Unit: |
| Serial No. 09/673922 |) | |
| International No. PCT/US/08870 |) | Examiner: |
| Priority Date: 22 April 98 |) | |
| |) | |
| For: HYBRID MAGNETICALLY |) | |
| SUSPENDED AND ROTATED |) | |
| CENTRIFUGAL PUMPING |) | |
| APPARATUS AND METHOD |) | |
| |) | |

RESPONSE TO NOTICE TO FILE MISSING PARTS

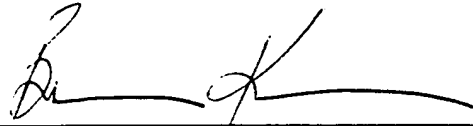
Box PCT
Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application mailed November 8, 2000, for the above-identified application (a copy of which is attached), the period for which to respond extends until December 8, 2000, is a petition to correct inventorship under 37 C.F.R. § 1.48(a) and a petition to suspend certain rules under 37 C.F.R. § 1.183. As stated in the petition, Mr. Decker and Mr. Baloh were **not** listed as inventors on the priority document for this application, which is United States Patent Application No. 09/064,352. Because Mr. Decker and Mr. Baloh were listed as inventors/applicants on the corresponding PCT application due to a clerical error without any deceptive intent, the petition to remove them as inventors/applicants should be granted. Once the petition is granted, the remaining inventors respectfully submit that the original declaration, a copy of which is attached, is not defective because all the true inventors are listed.

Enclosed is a check in the amount of \$65.00, which is the small entity surcharge associated with responding to a Notification of Missing Requirements. If any fee not otherwise accounted for, including any fee for an extension of time, is required, please charge any such fee to Deposit Account 082623. A duplicate copy of this letter is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brian Kinnear', written over a horizontal line.

Brian Kinnear, Reg. No. 43,717
ATTORNEY FOR APPLICANT
HOLLAND & HART LLP
Post Office Box 8749
555 17th Street, suite 3200
Denver, Colorado 80201-8749
Telephone: (303) 295-8170